

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SmarterSwipe, Inc.,

Plaintiff(s),

vs.

Carlos Navarrete,

Defendant(s).

2:24-cv-00299-CDS-MDC

Order

Pending before the Court is defendant Gonzalez's *Emergency Motion to Stay Discovery* (ECF No. 18). Defendant Gonzalez seeks a stay of discovery pending his *Motion to Dismiss* (ECF No. 3). The Court grants a partial stay of discovery.

DISCUSSION

Defendant Gonzales filed a *Motion to Dismiss* (ECF No. 3) under Rule 12(b)(2), lack of personal jurisdiction. Defendant Gonzalez seeks a stay of discovery until the issue of personal jurisdiction is decided. ECF No. 18. Under the pragmatic approach, the Court looks to whether (1) the pending dispositive motion can be decided without further discovery and (2) whether good cause exists to stay discovery. *Schrader v. Wynn Las Vegas, LLC*, 2021 U.S. Dist. LEXIS 198974, at *2-4 (D. Nev. Oct. 14, 2021). Plaintiff does not request any discovery to respond to defendant's *Motion to Dismiss* or dispute that the *Motion to Dismiss* may be decided without discovery. This weighs in favor of staying discovery. Because personal jurisdiction is being challenged, the Court also finds that good cause exists to stay discovery as to defendant Gonzalez. *See Kabo Tools Co. v. Porauto Indus. Co. Ltd.*, 2013 U.S. Dist. LEXIS 156928, at *5 (D. Nev. Oct. 31, 2013) ("Generally speaking, 'a pending motion challenging [personal] jurisdiction strongly favors a stay, or at minimum, limitations on discovery until the question of jurisdiction is resolved.'").

1 The Court notes that while the remaining defendants do not oppose the stay, they do not join in
2 the motion. ECF No. 18 at 6. The Court also notes that the remaining defendants do not challenge personal
3 jurisdiction, but instead they filed a countermotion. ECF No. 15. The Court has personal jurisdiction over
4 the remaining defendants. Therefore, the Court finds that a stay of discovery as to the remaining
5 defendants is not warranted. *See Hologram USA, Inc. v. Cirque Du Soleil My Call, LLC*, No. 2:14-CV-
6 0916-RFB-NJK, 2014 WL 12792490, at *4 (D. Nev. Nov. 24, 2014) (stay only applies to moving
7 defendant) (citing *White v. American Tobacco Co.*, 125 F.R.D. 508, 509 (D. Nev. 1989) (denying motion
8 to stay discovery against one defendant where motion to dismiss was filed by another defendant)).

9
10 ACCORDINGLY,

11 **IT IS ORDERED that:**

- 12 1. The *Emergency Motion to Stay Discovery* (ECF No. 18) is GRANTED.
- 13 2. Discovery is stayed only as to defendant Gonzalez. Discovery will proceed normally as to the
14 remaining defendants.

15 DATED this 29th day of March 2024.

16 IT IS SO ORDERED.

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19 Hon. Maximiliano D. Couvillier III
United States Magistrate Judge

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